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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,701	01/28/2005	David H. Evans	GB02 0120 US	1880

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EXAMINER

PHUONG, DAI

ART UNIT PAPER NUMBER

2617

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/522,701

Applicant(s)

EVANS ET AL.

Examiner

Dai A. Phuong

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's arguments, filed 04/10/2006, with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Claim 17 had canceled. Claim 1-16 and 18-19 are currently pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilkes et al. (Pub. No: 20020180640) in view of Shin et al. (U.S. 5687171).

Regarding claim 1, Shin et al. disclose a system for locating a mobile unit including: means for transmitting a first signal at a relatively high power (fig. 6, [0042] to [0046]); means for transmitting a second signal at a predetermined, relatively low power (fig. 6, [0042] to [0046]); means for receiving said second signal (fig. 6, [0042] to [0046]); means for determining a second signal strength of said second received at received at said means for receiving said second signal (fig. 6, [0042] to [0046]); means for determining whether said second signal strength exceeds a relatively high threshold level so as to locate the mobile unit within a known distance of said means for transmitting said second signal (fig. 6, [0042] to [0046]). However, Gilkes et al. do not disclose means for receiving said first signal; means for determining a first

signal strength of said first signal at said means for receiving said first signal; means for determining whether said first signal strength exceeds a relatively low threshold level so as to determine whether service may be provided.

In the same field of endeavor, Shin et al. disclose means for receiving said first signal (col. 3 lines 2-4; and col. 3, line 42 to col. 4, line 13); means for determining a first signal strength of said first signal at said means for receiving said first signal (col. 3 lines 2-4; and col. 3, line 42 to col. 4, line 13); means for determining whether said first signal strength exceeds a relatively low threshold level so as to determine whether service may be provided (col. 3 lines 2-4; and col. 3, line 42 to col. 4, line 13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wireless communication system of Gilkes et al. by specifically including means for receiving said first signal; means for determining a first signal strength of said first signal at said means for receiving said first signal; means for determining whether said first signal strength exceeds a relatively low threshold level so as to determine whether service may be provided, as taught by Shin et al., the motivation being in order to allocate radio channels through the measurement of the strength of reverse link signals.

Regarding claim 2, the combination of Gilkes et al. and Shin et al. disclose all the limitation in claim 1. Further, Gilkes et al. disclose a system wherein said relatively high power is at least 0 dBm (fig. 6, [0042] to [0046]).

Regarding claim 3, the combination of Gilkes et al. and Shin et al. disclose all the limitation in claim 1. Further, Gilkes et al. disclose a system wherein said relatively high power is at least 6 dBm, 13 dBm or 20 dBm (fig. 6, [0042] to [0046]).

Regarding claim 4, the combination of Gilkes et al. and Shin et al. disclose all the limitation in claim 1. Further, Gilkes et al. disclose a system said relatively low power is no more than 0 dBm (fig. 6, [0042] to [0046]).

Regarding claim 5, the combination of Gilkes et al. and Shin et al. disclose all the limitation in claim 1. Further, Gilkes et al. disclose a system wherein said relatively low threshold level is no more than -85 dBm (fig. 6, [0042] to [0046]).

Regarding claim 6, the combination of Gilkes et al. and Shin et al. disclose all the limitation in claim 1. Further, Gilkes et al. disclose a system wherein said relatively high threshold level is no less than -65 dBm (fig. 6, [0042] to [0046]).

Regarding claim 7, the combination of Gilkes et al. and Shin et al. disclose all the limitation in claim 1. Further, Gilkes et al. disclose a system wherein said means) for transmitting said first and second signals transmit said first and second signals at different times ([0029])).

Regarding claim 8, the combination of Gilkes et al. and Shin et al. disclose all the limitation in claim 1. Further, Gilkes et al. disclose a system which is a wireless local area network ([0025]).

Regarding claim 9, the combination of Gilkes et al. and Shin et al. disclose all the limitation in claim 1. Further, Gilkes et al. disclose a system wherein said means for transmitting said first signal is an access point ([0003] and [0025]).

Regarding claim 10, the combination of Gilkes et al. and Shin et al. disclose all the limitation in claim 1. Further, Gilkes et al. disclose a system wherein said means for transmitting said second signal is an access point ([0003] and [0025]).

Regarding claim 11, the combination of Gilkes et al. and Shin et al. disclose all the limitation in claim 1. Further, Gilkes et al. disclose a system wherein said means for receiving said first signal is a mobile unit ([0003] and [0025]).

Regarding claim 12, the combination of Buchner and Hasegawa disclose all the limitation in claim 8. Further, Hasegawa discloses a system wherein said means (4) for receiving said second signal (24.sub.2) is a mobile unit (col. 5, lines 49-59).

Regarding claim 13, the combination of Gilkes et al. and Shin et al. disclose all the limitation in claim 1. Further, Gilkes et al. disclose a system wherein said means for transmitting said first signal is a mobile unit ([0003] and [0025]).

Regarding claim 14, the combination of Gilkes et al. and Shin et al. disclose all the limitation in claim 1. Further, Gilkes et al. disclose a system wherein said means for transmitting said second signal is a mobile unit ([0003] and [0025]).

Regarding claim 15, the combination of Gilkes et al. and Shin et al. disclose all the limitation in claim 1. Further, Gilkes et al. disclose a system wherein said means for receiving said first signal is an access point ([0003] and [0025]).

Regarding claim 16, the combination of Gilkes et al. and Shin et al. disclose all the limitation in claim 1. Further, Gilkes et al. disclose a system wherein said means for receiving said second signal is an access point.

Regarding claim 18, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 19, the combination of Gilkes et al. and Shin et al. disclose all the limitation in claim 1. Further, Gilkes et al. disclose discloses an access point configured for use in the system according to claim 1 ([0003] and [0025]).

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Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eng George can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong
AU: 2617
Date: 05-25-2006


ELISEO RAMOS-FELICIANO
PRIMARY EXAMINER